

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

BATHILY MOUSSA,	:	
	:	
Petitioner,	:	
	:	
v.	:	CASE NO. 4:11-CV-163- CDL-MSH
	:	28 U.S.C. § 2241
	:	
CORRECTIONS CORP. OF	:	
AMERICA, ERIC HOLDER, FELICIA	:	
SKINNER, JANET NAPOLITANO,	:	
and WARDEN,	:	
	:	
Respondents.	:	

RECOMMENDATION OF DISMISSAL

Presently pending before the Court is Respondents' motion to dismiss, filed on May 3, 2011. (ECF No. 21.) In his application for habeas relief pursuant to 28 U.S.C. § 2241, Petitioner was challenging the legality of his continued detention by the Immigration and Customs Enforcement agency. (Pet. for Writ of Habeas Corpus 2, ECF No. 1.) Along with the motion to dismiss, Respondents filed a Release Notification (Mot. to Dismiss Ex. A) and an Order of Supervision (Mot. to Dismiss Ex. B) stating that Petitioner was released on supervised release on April 3, 2012, pending his removal to his native country of Mali. Because of Petitioner's release, Respondents now contend that Petitioner's pending § 2241 petition is moot and should be dismissed as such. (Mot. to Dismiss 1, 3-6.)

On May 4, 2012, the Court ordered Petitioner to respond to the Motion to Dismiss. Petitioner has failed to respond to Respondents' Motion to Dismiss; and consequently,

Respondents have not filed a reply. Therefore, the Court recommends dismissal of Petitioner's action without prejudice for failure to prosecute pursuant to Federal Rules of Civil Procedure Rule 41(b).¹

WHEREFORE, IT IS RECOMMENDED that Petitioner's Application for writ of habeas corpus be DISMISSED without prejudice for failure to prosecute. Respondents' Motion to Dismiss (ECF No. 10) should consequently be DENIED as moot. Pursuant to 28 U.S.C. § 636(b)(1), the Petitioner may serve and file written objections to this recommendation with the United States District Judge within fourteen (14) days after being served a copy of this recommendation.

SO RECOMMENDED, this 27th day of June, 2012.

S/Stephen Hyles
UNITED STATES MAGISTRATE JUDGE

¹ The Court does not reach the issue of mootness as argued by the Respondents in their motion to dismiss because the Petitioner has neglected to prosecute his case since his release.